CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

JULY 1, 2008

INVOCATION:
Rev. Steve Cox of KGDP Radio 660 gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, Director of Community Development Lindsey, Police Chief Macagni, Fire Chief Ortiz, Solid Waste Manager Clarin, Planner III Halverson, and Chief Deputy City Clerk Perez.

PUBLIC COMMENT
Peggy Jordan invited the Council to a special event, "Operation Secure America Now," about the safety, sovereignty, and security of this Country and the City of Santa Maria on July 3 – 6, 2008, at Camp Vigilance near San Diego.

Glenda Stafford thanked the Police Department for the little bit of help she has received and talked about the continuing problems in her neighborhood on Pennsylvania Avenue.

Greg Greeley spoke about the continuing "A" Street problem in Area 9. He thanked the Police Department and the City for everything they have done, but said he is still having a problem with large trucks running in the middle of the night. He asked the City Council to do something.

CONSENT CALENDAR
Consent Calendar Items A through N were approved on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None

ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of June 17, 2008, were approved as submitted.

C. RELEASE OF BOND
Council accepted as complete certain public improvements and authorized the release of the Faithful Performance Bond in the reduced amount of $88,536 for construction and

installation of public improvements posted in conjunction with Village at Westgate Ranch, Tract 5863, with an order that the Contractor, Labor and Material Bond be held until January 2009 and the Guarantee and Defective Material Bond be held until July 2009.

D. CLASSIFICATION CHANGES

Resolution No. 2008-91 was adopted approving certain classification changes pursuant to the 2008-10 budget and Resolution No. 2008-92 was adopted amending the City's Conflict of Interest Code to reflect those changes.

Resolution No. 2008-91 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING NEW CLASSIFICATIONS, MODIFICATIONS TO SPECIFICATIONS, RECL ' :ATIONS, AND ABOLISHING CLASSIFICATIONS AS A RESULT OF THE ADOPTION OF THE 2008-10 BUDGET.

Resolution No. 2008-92 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING APPENDIX "A" OF THE CONFLICT OF INTEREST CODE FOR DESIGNATED FILERS OF THE CITY OF SANTA MARIA.

E. WARRANTS

Warrant Nos. 142845 to 143202 in the amount of $2,452,498.22 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 142651, 143010 and 143022 were cancelled.

F. PAYROLL

Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

G. INTERFUND ADVANCE

Resolution No. 2008-93 was adopted authorizing an interfund advance for the prepayment of California Public Employees' Retirement System contribution.

Resolution No. 2008-93 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING AN INTERFUND ADVANCE FROM THE SELF INSURANCE WORKERS' COMPENSATION FUND AND THE PREPAYMENT OF FISCAL YEAR 2008-09 CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) CONTRIBUTION.

H. ANNUAL OPERATING AGREEMENTS

Resolution Nos. 2008-94, 2008-95, and 2008-96 were adopted approving annual operating agreements with the Santa Maria Valley Chamber of Commerce, the Santa Maria Valley Historical Society, and the Santa Maria Museum of Flight for the period of July 1, 2008, through June 30, 2009.

Resolution No. 2008-94 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN ANNUAL OPERATING AGREEMENT FOR FISCAL YEAR 2008-09 WITH THE SANTA MARIA VALLEY CHAMBER OF COMMERCE.

Resolution No. 2008-95 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN ANNUAL OPERATING AGREEMENT FOR FISCAL YEAR 2008-09 WITH THE SANTA MARIA VALLEY HISTORICAL SOCIETY.

Resolution No. 2008-96 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN ANNUAL OPERATING AGREEMENT FOR FISCAL YEAR 2008-09 WITH THE SANTA MARIA MUSEUM OF FLIGHT.

I. AMENDMENT TO INVESTMENT POLICY
Resolution No. 2008-97 was adopted amending the City's Investment Policy to change the Investment Oversight Committee to the Investment and Audit Oversight Committee and add new duties and responsibilities.

Resolution No. 2008-97 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING THE CITY'S INVESTMENT POLICY.

J. ORDINANCE NO. 2008-12
Second reading of Ordinance No. 2008-12 was conducted adding Section 1-6.03 to Chapter 1-6 of the Santa Maria Municipal Code imposing civil penalties for violations of the Municipal Code prosecuted in Superior Court, and the Ordinance was adopted.

Ordinance No. 2008-12 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA ADDING SECTION 1-6.03 TO CHAPTER 1-6 OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO IMPOSITION OF CIVIL PENALTIES.

K. ORDINANCE NO. 2008-11
Second reading of Ordinance No. 2008-11 was conducted amending the Blosser Southwest Specific Plan by deleting "Condition I.A.1.1." of the Public Works memorandum dated June 8, 2004, to allow a signalized intersection on South Blosser Road between West Battles Road and La Brea Avenue for the Westgate Marketplace Shopping Center, and the Ordinance was adopted.

L. CALL FOR BIDS
Council gave approval to call for bids on the plans and specifications for Well #11S Waterline Extension, Bid No. 2009/06.

M. AWARD OF BID
Resolution No. 2008-98 was adopted approving an agreement with California Coastal Development, Bid No. 2009/02, South College Drive Intersection Improvements in the amount of $172,406.46.

Resolution No. 2008-98 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH CALIFORNIA COASTAL DEVELOPMENT FOR SOUTH COLLEGE DRIVE INTERSECTION IMPROVEME[illegible] NO. 2009/02.

N. SCHOOL CROSSING GUARD PROGRAM
Resolution No. 2008-99 was adopted approving an agreement with Select Staffing for the operation and administration of the School Crossing Guard Program.

Resolution No. 2008-99 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN SELECT STAFFING AND THE CITY OF SANTA MARIA FOR CROSSING GUARD SERVICES.

GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR GREEN VALLEY ENTERPRISES LOCATED AT THE SOUTHEAST CORNER OF OAKLEY COURT AND THE SANTA MARIA VALLEY RAILROAD, GPZ-2004-001, E-2004-010.
Mayor Lavagnino declared that he had ex-parte communications with the Dias Family and Mr. Palacios prior to the Planning Commission hearing on this item. Councilmembers Trujillo, Patino, Zacarías, and Orach also declared that they also had ex-parte communications with Mr. Palacios and others on this project.

Planner III Halverson gave the first part of the staff report. The request is for a Mitigated Negative Declaration, an amendment to the General Plan (Land Use) from 2.28 acres of GI (General Industrial) to 2.28 acres of HDR-22 (High Density Residential/maximum of 22 dwelling units per acre) and a zone change from 2.28 acres of PD/M-2 (Planned Development/General Manufacturing), to 2.28 acres of PD/R-3 (Planned

Development/High Density Residential. He displayed a map of the project site and surrounding area and highlighted the existing land uses. He also displayed a site plan of the proposed project. On June 18, 2008, the Planning Commission adopted Resolution No. 2513 on a 4-1 vote, with Commissioner Waterfield opposing, recommending that the City Council approve a Mitigated Negative Declaration of Environmental Impact and adopt a Mitigation Monitoring Program and Resolution No. 2514, also on a 4-1 vote, recommending that the City Council amend the General Plan and zoning for the project. However, at that meeting, seven letters from neighboring property owners and/or tenants of the industrial area were submitted protesting the proposal for a General Plan Amendment and zone change. Staff feels the concerns expressed in the letters could be addressed through the mitigation measures. He talked about the mitigation measures proposed to mitigate the noise from the industrial uses in the area for the 36-unit affordable housing project.

Director of Community Development Lindsey continued the presentation. The applicant applied for a General Plan Amendment and Zone Change on January 29, 2004. Community Development staff reviewed the application and made an initial recommendation to deny the request to convert the industrially-zoned land to a residential use because it did not incorporate an industrial component and adversely impacted the City's low inventory of industrially zoned property. The applicant chose not to process its application for several years and reactivated it in December 2007. In the meantime, the Council had taken several important policy steps. In 2006, the City Council approved and received certification for a general plan housing element and density bonus ordinance that re-confirmed its commitment to providing decent housing for people of all economic levels. On December 18, 2007, the Council approved a new Specific Plan (Santa Maria Airport Business Park) that includes 132 acres of additional industrially zoned properties within the City. While the relative situation for industrial property was improving, California in general and the Santa Maria community in particular, began to feel the impact of high foreclosure activity. The City of Santa Maria has the most foreclosures of any community within Santa Barbara County. As a result, home construction will lag in the immediate future and displaced residents are seeking homes or apartments to rent. At the applicant's request, staff re-evaluated the applicant's property for potential high-density residential use in light of these changed circumstances. The proposed project site is located at the margin of an industrial area and adjacent to residential uses. If developed with a multi-family residential use including appropriate land-use compatibility conditions, the property could serve as a transition between industrial and residential uses. In addition, the project residents could benefit from proximity to services offered at Los Adobes de Maria nearby, job opportunities in nearby industrial businesses, and proximity to existing rail lines that might eventually offer passenger service. Based on these factors, staff made a determination in late 2007 to support redesignating the property for high-density residential use.

Mayor Lavagnino asked about the shortened appeal period for this project from 14 days to 7 days. He said he understood that if an appeal was filed within the seven days, the project would not be eligible for funding this funding cycle. He also asked if the Council approved the General Plan Amendment and Zone Change and the project did not move forward, the General Plan and zoning would still stay residential.

Director of Community Development Director Lindsey replied the project would not be able to apply for funding this funding cycle if an appeal was filed. He also said the amended General Plan designation and zoning would remain in effect even if the project did not move forward.

Councilmember Trujillo stated the normal appeal period was 14 days, but they were requesting it be shortened to 7 days. He asked if the project would be stopped if someone filed an appeal.

Community Development Director Lindsey stated the action before the Council was a General Plan Amendment and Zone Change. Any appeal of that action would have to be filed judiciously. The next phase of the process involved obtaining a Planned

Development Permit from the Planning Commission. It was that action that could be appealed to the City Council.

Mayor Lavagnino opened the public hearing.

Gil Palacios, representing the proponents of the project, thanked the Council and City staff for their efforts over the years to bring this project forward. Over the last few weeks they have tried to provide additional information to address the concerns expressed at the Planning Commission meeting. They would be partnering with MCA Housing and the Santa Barbara Housing Authority on this project.

Martha Cisneros, MCA Housing, stated they had partnered with the Housing Authority of Santa Barbara County to develop a 36-unit affordable housing project primarily funded through the California nine percent tax credit program. The process was very competitive. There were additional dollars available this funding cycle so it would be an opportune time to submit the application. They knew the City needed low income housing desperately. The total development costs would be about $10 million with $7 million coming from the tax credit program. They planned to hire local contractors and suppliers. The Housing Authority would serve as the general partner for the project.

John Polanski, Housing Authority of Santa Barbara County, stated they were very excited to build on the success of the Ted Zenich Gardens project which recently opened in Santa Maria. The need remained for additional low income housing. The Housing Authority was constantly looking for opportunities to better leverage the limited resources they have.

Arthur Tognazzini stated about eight or nine months ago, they put the project up for sale. The Housing Authority said they wanted to buy the project. After it was in escrow, Mr. Cochiolo indicated he wanted to buy the property. They have been working with City staff for over four years and wanted to thank staff for their assistance.

Alvin Dias spoke in favor of the project and said their family bought the project in 2003 and planned an affordable housing project. The project would face an area that was well maintained by individual homeowners and a large apartment project. Their project, Villa del Sol, would further enhance the area. He talked about an apartment project in Guadalupe that was built next to the railroad tracks. The project would have an eight foot masonry wall surrounding the project to separate the different uses and deter people from crossing the railroad tracks. They questioned whether the letter writers really knew what type of project was being proposed. The only commercial building west of the railroad tracks was the Sylvester Alarm building.

Eric Dias spoke in favor of the project. He said before they decided to do a residential development, they had considered doing a manufacturing warehouse. They were not able to find a tenant for the property because of the residential developments in the area. He felt the railroad tracks were a natural boundary between the residential developments and the industrial uses. They could not understand how R-3 zoning would affect the industrial uses across the railroad tracks. To the north of the property there were several vacant parcels. It was an area in transition with a lot of area for industrial development.

Laura Dias spoke in favor of the project. She addressed the noise levels in the area. The Santa Maria Valley Railroad planned to relocate their engine facility to the area and increase their freight traffic. It was not a 24-7 operation. Considering the number of housing units in the area, this did not appear to be a good location for the railroad to relocate their engines. Their housing project would act as an additional buffer between the railroad and the industrial uses. She felt Villa del Sol would be an asset to the community.

Joan Leon, Santa Maria Community Coalition, stated the Coalition had concerns about this project being in an industrial area. After driving by the proposed site, she was surprised that there were numerous apartments in the area and nice single family homes. Since the project would be on a cul-de-sac, there wouldn't be any traffic

through the industrial area. She talked about needing some insurance that the rents in the project would be kept below market rate. Residential uses seemed to be more compatible than an industrial use for the property.

Gil Palacios distributed additional information regarding existing uses in the area, the primary path of travel to the site, and photographs of the area.

Councilmember Patino asked if the project would be dead if the Council did not support the reduced appeal period or if the Planning Commission continued the application and did not take action on July 16th.

Gil Palacios stated the property owners would still like to pursue the project as an affordable housing project. It would not be dead and buried. If the project was continued, all parties would have to come back to the table at a later date. If an appeal was filed after the Planning Commission meeting, they would miss the funding cycle, and the partners would have to renegotiate. They would still file the application, but it would not rank as high for funding.

Councilmember Patino stated she felt very uncomfortable approving a General Plan Amendment and Zone Change and shortening the appeal period. She said it seemed they were not ready to move forward. She had not been in favor of zone changes for industrial land. She thought the project was a beautiful project. She asked about the parking for the project.

Gil Palacios stated the project met all the requirements for an R-3 project, and they were not looking for any density bonuses.

Councilmember Zacarias asked if there had been zone changes in this area for the other apartment projects and if the decision had been made in the past that this would be a residential area.

Director of Community Development Lindsey stated there were some areas in the City where residential development had encroached into industrial areas. There was a point where too much residential would impact the industrial uses in the area. In this area the residential areas were well kept and attractive while the industrial buildings were deteriorating.

Bob Hatch, Santa Maria Valley Chamber of Commerce, stated he had a few concerns. He was familiar with the project and the site. The Chamber of Commerce has been a stanch opponent to rezoning industrial land, but it is hard to envision anything on that site. The existing industrial users felt there would be an impact to them by this project. Most of the business owners were members of the Chamber and had expressed their concerns. He had read the letters from the railroad that there would be a significant amount of noise. His other concern related to the safety of the project and how people would get out of the development in an emergency. He said perhaps it was the right project at the wrong place.

Donna Dart stated she grew up not too far from this site. Her concern was that the need for affordable housing was causing staff and the Planning Commission to approve a project they otherwise might not support. It was an industrial site. If the Council wanted to bring jobs to the City, it had to have the industrial land available.

June McIvor, an attorney representing Joe and Virginia Aubuchon who were members in A.C. Warehouse, LLC., stated they oppose the General Plan Amendment and Zone Change for the reasons previously stated. The Planning Commission recommended a shortened appeal period for the Planned Development Permit. She said a California Court of Appeals decision in *Midway Orchards vs County of Butte* stated neither the General Plan Amendment or Zone Change were effective for 30 days after adoption because the public had a constitutional right to referendum. Even if the General Plan Amendment and Zone Change were approved at this meeting, any action by the Planning Commission to approve the Planned Development Permit before the 30 days

were up would be invalid. They asked the Council to slow down and take into consideration the legitimate concerns of the neighbors.

Councilmember Zacarías asked if her comments were correct.

City Attorney Trujillo stated the appeal period was for the Planned Development Permit, not the effective date of the General Plan Amendment or Zone Change. He was not aware of the specific case that was cited, but general plan amendments and zone changes did not take effect for 30 days after approval. The appeal period that the Council was being asked to address was entirely separate from the General Plan Amendment.

Landon Reid stated he was one of the managers for Cochiolo Trucking. He was speaking in opposition to the project on behalf of the owners, drivers and yard employees for Cochiolo Trucking. They regarded Imperial Warehouse as one of their primary hubs of operation. They handle the transportation of goods and materials for the majority of clients housed in Imperial Warehouse. Their opposition stemmed from potential downstream public policy decisions that may come from allowing residential uses in the area such as limiting the number of trucking hours, the hours of operation, potential noise ordinances, and increased pedestrian traffic on the immediate western and southern ingresses and egresses of Imperial Warehouse. Any restriction would impact their operations.

Richard Brenneman, attorney representing A.C. Warehouse, LLC., stated it was the concern of the business owners that this was one more step of residential development into the industrial area. The railroad went right through the area with a lot more activity in this area than people might think. The railroad could be a major factor with rising gas prices. The continuing creep of residential into this area could have a significant impact on the railroad's future plans. He asked why low income housing projects were always placed in areas of this type. He also had a concern regarding CEQA. When there was a conflict between uses, CEQA required an EIR, not a Negative Declaration. There were some interesting issues raised about safety. In the northeast corner of the industrial area there was a hazardous materials storage facility. He also talked about the reduced appeal period. He felt it would be a denial of equal protection and due process of the law to reduce the appeal period.

Anthony Cochiolo spoke in opposition to the project. He said he was part owner of Imperial Warehouse, LLC. and ran the operations. He serviced his customers on a 24-7 basis. The dock he used for rail siting was directly opposite this project site. It was a very noisy operation. The railroad was a valuable resource for the City. He found out about the zone change when he inquired about building another warehouse. Mr. Palacios stated this was a five-year project, and now they were in a hurry to get it done. He said he had faith the Council's decision would be in the best interest of the City.

Tony Cochiolo spoke in opposition to the project. He asked if this area looked better than it did five years ago and felt that it did. This would be taking the backbone out of the City's industrial area. He wanted to buy this piece of property to build another wine warehouse. Twelve years ago he built an apartment project on Donovan and Suey where the zoning was changed from industrial to residential, and he was required to build a 14-foot wall and do an EIR. He thought putting R-3 in this area would be doing an injustice to the industrial businesses.

Ronald Hubble stated he owned the property right along the railroad tracks. Until he bought the property he did not realize how much railroad traffic there was. Oakley Avenue was a switching area for the railroad. He talked about the lack of parking in the area and asked where the residents of the project would park. The railroad tracks ran from Depot to Western, and when school was in session, there was a steady stream of kids through that area.

Mike Aubuchon, President of North American Fire Hose Corp. and partner in A.C. Warehouse, LLC., spoke in opposition to the project for two reasons. They have a signed easement agreement for a 10-foot sewer easement along the property line of the

site from Oakley Court. The proposed project would encroach on that easement. They plan to move their manufacturing operation to the A. C. Warehouse site, and their machinery would be running 24 hours a day, 7 days a week. One of the toughest issues for manufacturing businesses was being able to transport raw materials and finished goods. They were looking at using the railroad for that.

David Jennings, General Manager of Santa Maria Railroad, spoke in opposition to the project. His experience was that high density residential and railroading did not mix. Sound was a huge issue. They do a lot of switching in that area, and noise would be an issue. He was also concerned about safety.

Mike Phillips spoke in opposition to the zone change. In all his years of experience as a real estate agent he had not seen residential and industrial uses to be a good mix. He felt the City should keep its industrial property.

Barbara Musalo, ABC Roofing, spoke in opposition to this project. Mr. Palacios presented this as being passed through the Planning Commission easily, but the Commission was pressured into passing it onto the City Council. With the downturn in the economy, there were a lot more affordable housing units available. The tax credits could be used for another project. This was a wrong area for more residential development.

Ralph Musalo stated he was concerned that they were not notified until Tony Cochiolo notified them. He talked about the Williams Feedlot and how the encroaching residential had forced the Feedlot to close. The same thing could happen in this area and it would hurt both the industrial and the residential uses.

Gil Palacios stated they were asking for an R-3 zoning, but the density was closer to R-2. Some of the older residential developments were built under the sliding scale for parking. The newer developments were required to have two parking spaces per unit. A sound study was commissioned and was analyzed with a much higher degree of sound than what was actually recorded on the site.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Trujillo stated this was an excellent project. The issue was whether it was the right location for the project. He hoped if this location was not approved, another location could be found. He stated he had some concerns about the railroad and the hazardous materials being stored. He was also concerned about shortening the appeal period.

Councilmember Orach stated there was no doubt the project was desperately needed. He was very concerned about retaining the railroad's capacity. By retaining this in industrial, the access would have to be on the northeast side over the railroad. He did not know how the City could require that. Shortening the appeals process concerned him because it would set a precedent.

Councilmember Zacarías stated the Council was between a rock and a hard place. She was in favor of the project because of the families that would be given affordable housing. If hazardous materials were being stored in that area currently, she didn't think that was safe. She said if she was standing at this corner and thinking about this property, she would think residential. She could not support shortening the appeal period. She felt this would be a good project since it would be managed by the Housing Authority. The City did not have many options for affordable housing and to create housing for families.

Councilmember Patino stated she knew the Housing Authority did a great job managing their units. Her concern was that Santa Maria was a business-friendly City, and she did not want residential encroaching into industrial property. She could not support changing the zoning and giving up industrial property. This was a good project in the wrong place. There were a lot of different places to put housing, but not a lot of places where these businesses could move to.

Mayor Lavagnino commented this was a gorgeous project. Ted Zenich Gardens had proven that low-cost housing could be put anywhere in the City and have it be acceptable. He did not believe it was proper to change the rules to allow someone to have a fast track. Even with a shortening of the appeal period, it was not hard to figure out that someone would file an appeal. He would be happy to support the project anywhere in the City limits but could not support the process.

City Attorney Trujillo suggested the Council take each action separately. The resolution for the Mitigated Negative Declaration only states that it adequately analyzes the environmental impacts. He said the Council needed to take action on the environmental documents before it could act on the General Plan Amendment or Zone Change.

Councilmember Patino moved to deny Resolution No. 2008-100 approving a Mitigated Negative Declaration of Environmental Impact, E-2004-010. The motion failed due to lack of a second.

Resolution No. 2008-100 authorizing the filing of a Mitigated Negative Declaration of Environmental Impact, E-2004-010 was adopted on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Trujillo, Zacarías, and Mayor Lavagnino
NOES: Councilmember Patino
ABSENT: None
ABSTAIN: None

Resolution No. 2008-100 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, MAKING FINDINGS AND DIRECTING THE FILING OF A MITIGATED NEGATIVE DECLARATION, E-2004-010, FOR THE GENERAL PLAN (LAND USE) AMENDMENT AND ZONE CHANGE (GPZ-2004-010) FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF OAKLEY COURT AND THE SANTA MARIA VALLEY RAILROAD, ASSESSOR'S PARCEL NUMBER 111-060-024 (2.28 ACRES).

Councilmember Patino moved to deny Resolution No. 2008-101 approving the General Plan (Land Use) Amendment from 2.28 acres of GI (General Industrial) to 2.28 acres of HDR/22 (High Density Residential/maximum of 22 dwelling units per acre). Mayor Lavagnino seconded the motion.

Councilmember Zacarías suggested the motion be to adopt Resolution No. 2008-101 and see if there were sufficient votes to pass it.

Councilmember Patino withdrew her motion. Mayor Lavagnino withdrew his second.

Councilmember Zacarías moved to adopt Resolution No. 2008-101 approving the General Plan (Land Use) Amendment from 2.28 acres of GI (General Industrial) to 2.28 acres of HDR/22 (High Density Residential/maximum of 22 dwelling units per acre). The motion failed due to lack of a second.

Resolution No. 2008-101 was adopted denying the General Plan (Land Use) from 2.28 acres of GI (General Industrial) to 2.28 acres of HDR/22 (High Density Residential/maximum of 22 dwelling units per acre) on motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: Councilmember Zacarías
ABSENT: None
ABSTAIN: None

Resolution No. 2008-101 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DENYING A GENERAL PLAN (LAND USE) AMENDMENT FOR APPROXIMATELY 2.28 ACRES OF PROPERTY LOCATED AT

THE SOUTHEAST CORNER OF OAKLEY COURT AND THE SANTA MARIA VALLEY RAILROAD, ASSESSOR'S PARCEL NO. 123-140-005.

Councilmember Patino moved to deny Resolution No. 2008-103 denying a zone change from 2.28 acres of PD/M-2 (Planned Development/General Manufacturing) to 2.28 acres of PD/R-3 (Planned Development/High Density Residential) on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: Councilmember Zacarías
ABSENT: None
ABSTAIN: None

Resolution No. 2008-103 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DENYING THE REZONING OF APPROXIMATELY 2.28 ACRES OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF OAKLEY COURT AND THE SANTA MARIA VALLEY RAILROAD, ASSESSOR'S PARCEL NO. 123-140-005.

Councilmember Zacarías stated there were land swapping options and encouraged the parties involved to work together to find a property somewhere else within the City to build this project.

SUSPENSION OF ANNUAL INCREASES FOR SOLID WASTE LANDFILL FEES AND COLLECTION RATES.

Solid Waste Manager Clarin gave the staff report. The City Council is requested to adopt a resolution approving the suspension of the five percent annual rate increase effective July 2008 for landfill charges, and suspending the five percent annual rate increase effective January 2009 for solid waste collection rates for Fiscal Year 2008-09. The action represents the seventh consecutive year, and the eighth year of the past nine years, that solid waste rates have been suspended. The ability to avoid fee increases can be partially attributed to the Non-Hazardous Hydrocarbon Impacted Soils (NHIS) Program that reduced the costs to close the existing landfill and minimized operational costs. The current landfill fee for a typical Santa Maria resident in a pick-up truck (under one ton) hauling material to the landfill is a flat rate of $17.50. Had the suspension of landfill fees not occurred, this amount would be $25.86. This has resulted in landfill customers saving over $8 each time they frequent the landfill. The typical solid waste collection customer uses a 90 gallon refuse container at $24.36 per month. If solid waste collection rates had not been suspended, the current fee would be $35.99 monthly, thus residents save $11.63 a month.

Resolution No. 2008-102 was adopted approving the suspension of landfill rates and solid waste collection rates on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2008-102 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SUSPENSION OF THE ANNUAL RATE INCREASES FOR CHARGES AT THE LANDFILL AND SOLID WASTE COLLECTION.

CITY MANAGER'S REPORT

City Manager Ness reported on items expected for the July 15, 2008, City Council meeting including public hearings for weed abatement assessments, annual Landscape Maintenance District assessments, a General Plan Amendment and Zone Change for Sharer Brothers, and a zoning text amendment pertaining to intrusions into yards. Also

scheduled was a report on McCoy Lane Traffic Median issues and appointments to the Block Grants Advisory Committee and Library Board of Trustees.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Orach wished everyone a happy and safe 4th of July and suggested everyone report illegal fireworks in their neighborhoods. He reported on attending the GI Forum's scholarship awards program and the National Latino Police Officers Association Scholarship event. He also reported that the Hometown Celebration was phenomenal and thanked everyone for participating.

Councilmember Zacarias talked about the Hometown Celebration and hoped it would continue annually to bring the community together. She also attended the GI Forum's scholarship awards program and the National Latino Police Officers Association Scholarship event.

Mayor Lavagnino thanked Councilmember Orach for attending several events for him. He attended the Relay for Life fundraiser. He thanked Congresswoman Capps, Congressman Gallegly, and our Senators for their efforts in getting $8.5 million in funding for the levee. He asked that a letter of appreciation be drafted for his signature.

Councilmember Patino announced she attended The Hearts Desire at PCPA. She attended the Fighting Back Santa Maria Valley's annual fundraiser on Saturday night. She reported that the Hometown Celebration was wonderful. She also attended the Relay for Life fundraiser.

Councilmember Trujillo reported he attended The Hearts Desire on June 21st. He also reported on his attendance at the GI Forum and was the Master of Ceremonies for the National Latino Police Officers Association Scholarship event.

CLOSED SESSION

Council recessed to a Closed Session at 9:30 p.m. for Conference with Labor Negotiator pursuant to Government Code Section 54957.6, Agency representative - Assistant City Manager, Employee organizations – Service Employees International Union (SEIU) Local 620, Public Safety Managers, and Non-represented Management and Confidential Employees.

Following the Closed Session, the following report was given:

Conference with Labor Negotiator – A status report and direction to staff was given.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 9:38 p.m.

APPROVED

July 15, 2008
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria

ATTEST

Chief Deputy City Clerk